

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
CIVIL ACTION NO. 5:08-CV-00464-H**

NATIONAL GENETICS INSTITUTE, )  
and BAXTER INTERNATIONAL, )  
INC., )

Plaintiffs, )

vs. )

TALECRIS BIOTHERAPEUTICS, )  
INC. )

Defendant. )

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**PLAINTIFFS' STATUS REPORT**

Pursuant to the Court's Order of January 30, 2009, Plaintiffs hereby provide the Court with this Joint Status Report concerning the pending reexamination of U.S. Patent No. 6,566,052 (the '052 patent), 6,063,563 (the '563 patent), and 5,780,222 (the '222 patent), the patents-in-suit in the above captioned litigation. In connection with this Status Report, Plaintiffs state as follows:

Defendant filed a request for *ex parte* reexamination of the '052, the '563, and the '222 patents on November 7, 2008. The Patent Office issued an Order Granting Request for *Ex Parte* Reexamination on December 17, 2008 in each of the three patents-in-suit.

On February 19, 2009, the Patent Office issued non-final office actions in each of the three pending reexamination cases.

On April 20, 2009, the Patent Owner filed responses in each of the three pending reexamination cases to the respective non-final office actions. On May 14, 2009, the Patent Owner filed supplemental responses in each of the three pending reexamination cases.

Patent Owner is currently waiting for the Patent Office to act in each of the three pending reexamination cases.

Respectfully submitted this 1<sup>st</sup> day of July, 2009.

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### **CERTIFICATE OF SERVICE**

I hereby certify that on the 1st day of July, 2009, I electronically filed the foregoing **PLAINTIFFS' STATUS REPORT** with the Clerk of the Court using the CM/ECF system and that counsel of record who are deemed to have consented to electronic service were served with a copy of this document.

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